

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

MICHAEL RANKINS,

Petitioner,

v.

CIVIL ACTION NO. 5:22-cv-00061

KATINA HECKNARD,  
Warden, FCI Beckley,

Respondent.

**ORDER**

Pending is Petitioner Michael Rankins' Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [Doc. 1], filed February 4, 2022. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R on May 9, 2023. Magistrate Judge Tinsley recommended that the Court deny Mr. Rankins' Petition as moot inasmuch as he has been released from custody and dismiss this matter.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's

findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections were due on May 26, 2023. No objections were filed.<sup>1</sup>

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 11**], **DENIES AS MOOT** Mr. Rankins' Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [**Doc. 1**], and **DISMISSES** the matter

The Clerk is directed to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: June 12, 2023



*Frank W. Volk*  
Frank W. Volk  
United States District Judge

---

<sup>1</sup> On May 9, 2023, a copy of the PF&R was sent to Mr. Rankins at FCI Beckley, but the PF&R was returned as undeliverable on May 19, 2023. [Doc 12]. At this writing, the Bureau of Prisons' Inmate Locator indicates Mr. Rankins was released from custody on September 9, 2022. Inasmuch as Mr. Rankins has failed to keep the Court apprised of his current address as required by *Local Rule of Civil Procedure* 83.5, this matter is ready for adjudication.